

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRIMAINE WILSON,

Plaintiff,

v.

**SANDRA BAPTISTE, OSHAY RIFE, and
CITY OF HARVEY, ILLINOIS,**

Defendants.

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Case No. 13 C 7845

Judge Manish S. Shah

**PLAINTIFF’S MOTION FOR ENTRY OF CONDITIONAL JUDGMENT
AND FOR RULE TO SHOW CAUSE**

Plaintiff, Trimaine Wilson, by and through his attorneys, Irene K. Dymkar, Torreya L. Hamilton, and Daniel H. Regenscheit, hereby moves this Court to issue a conditional judgment in the amount of \$399,169.00 against CITY OF HARVEY, Illinois, for failure to respond to an outstanding Wage Deduction Notice and setting a Return On Rule To Show Cause to convert the conditional judgment into a final judgment. In support of his motion, plaintiff states:

1. This action was brought pursuant to 42 U.S.C. § 1983 to redress deprivations of the civil rights of plaintiff through the acts and/or omissions of defendants committed under color of law.
2. On October 6, 2016, this Court entered a judgment in the amount of \$85,000.00 in favor of plaintiff and against defendants. Doc. 243. That balance has been paid.
3. On July 13, 2017, this Court entered a judgment for attorneys’ fees in the amount of \$399,169.00 in favor of plaintiff and against defendants. Doc. 286. The balance remains unpaid.

4. Plaintiff issued a Wage Deduction Summons and garnishment pursuant to 735 ILCS 5/12-801 *et seq.*, on the City of Harvey, Illinois, a true and accurate copy of which is attached hereto as Exhibit A (including the Wage Deduction Affidavit, Wage Deduction Summons, Wage Deduction Notice, and Wage Deduction Interrogatories).

5. The wage garnishment was served on Cheryl Anders, Deputy Clerk for the City of Harvey on October 12, 2017. A true and accurate copy of the Affidavit of Process Server is attached hereto as Exhibit B. The response to the wage deduction was due by November 9, 2017.

6. To date, the City of Harvey has failed to file the outstanding wage interrogatories with the Clerk of Court as required.

7. Accordingly, pursuant to 735 ILCS 5/12-807(a), plaintiff respectfully requests that this Court enter a conditional judgment against Employer City of Harvey in favor of plaintiff in the amount of \$399,169.00. Plaintiff further requests that this Court enter an Order directing City of Harvey to appear by and through its Comptroller, Louis Williams, or any other designated representative, and show cause why it should not be held in contempt not less than 21 nor more than 30 days after the issuance of the Order For Rule To Show Cause, in accordance with 735 ILCS 5/12-807(a). Further, plaintiff requests that in the event that the City of Harvey fails to appear and show cause why it should not be held in contempt, that this Court enter a final judgment in favor of plaintiff and against City of Harvey, in the amount of \$399,169.00, plus plaintiff's reasonable attorneys' fees and expenses in accordance with 735 ILCS 5/12-807.

WHEREFORE, plaintiff respectfully requests that this Court enter a conditional judgment against Employer City of Harvey in favor of plaintiff in the amount of \$399,169.00 Plaintiff further requests that this Court enter an Order directing City of Harvey to appear by and through

its Comptroller, Louis Williams, or any other designated representative, and show cause not less than 21 nor more than 30 days after the issuance of the Order, in accordance with 735 ILCS 5/12-807(a). Further, plaintiff requests that if the City of Harvey fails to appear and show cause that this Court enter a final judgment in favor of plaintiff and against City of Harvey, in the amount of \$399,169.00, plus plaintiff's reasonable attorneys' fees and expenses in accordance with 735 ILCS 5/12-807.

Dated: December 1, 2017

/s/ Irene K. Dymkar

Irene K. Dymkar

Plaintiff's Attorneys:

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